

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,  
Plaintiff,

v.

HTC CORPORATION, et al.,  
Defendants.

**Civil Action No. 6:16-cv-363**

**CONSOLIDATED LEAD CASE**

CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,  
Plaintiff,

v.

ZTE CORPORATION, et al.,  
Defendants.

**Civil Action No. 6:16-cv-375**

**JOINT MOTION TO SEVER AND STAY  
CLAIMS AGAINST THE CARRIER DEFENDANTS**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants AT&T Mobility LLC, Cellco Partnership d/b/a Verizon Wireless, Sprint Solutions, Inc., Sprint Spectrum L.P., Boost Mobile, LLC, T-Mobile USA, Inc., and T-Mobile US, Inc. (collectively, the “Carrier Defendants”) move jointly to sever and stay CCE’s claims against the Carrier Defendants in Civil Action Nos. 6:16-cv-363 and 6:16-cv-375 (the “363/375 Consolidated Actions”) so that CCE can proceed on its claims against the Manufacturer Defendants, namely HTC Corporation and HTC America Inc. (together, “HTC”) and ZTE (USA), Inc. (“ZTE”).

CCE and the Carrier Defendants entered into a stipulation on February 15, 2017, whereby they agreed to jointly move to sever the Carrier Defendants from the 363/375 Consolidated

Actions and stay the severed actions pending related trials against the Manufacturer Defendants (the “Stipulation”). The Stipulation includes the Carrier Defendants’ commitment that should CCE proceed to trial in a case against a Manufacturer Defendant from which one or more Carrier Defendants have been severed, the applicable Carrier Defendants shall be bound consistent with Judge Mitchell’s ruling in Civil Action No. 6:14-cv-251, which states that “the Carriers have agreed to be bound by the invalidity and infringement rulings in this case as to [the manufacturer].”

For the forgoing reasons, the parties to this joint motion submit that good cause exists for severing and staying CCE’s claims against the Carrier Defendants in the 363/375 Consolidated Actions. A Proposed Order is submitted with this Joint Motion for the Court’s consideration and entry.

**Dated: October 17, 2017**

**Respectfully submitted,**

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**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule CV-7(h), the undersigned certifies that CCE and the Carrier Defendants are in agreement as to the relief sought and, therefore, jointly bring this motion. The undersigned also certifies that Defendants HTC and ZTE are unopposed.

/s/ Edward R. Nelson III

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served on all parties of record on October 17, 2017 via the Court's CM/ECF system.

/s/ Edward R. Nelson III